

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GIANT EAGLE, INC.,

Plaintiff,

vs.

BTS WEST MIFFLIN L.P.

Defendant.

CA 4-1211

AMBROSE, Chief District Judge.

PRE-TRIAL ORDER OF COURT

AND NOW, this 13 day of July, 2005, it is **ORDERED** that:

1. Any additional Motions in Limine are to be filed by 12/15, 2005.

Responses to Motions in Limine are to be filed by 1/5, 2006.

2. Requested voir dire questions are to be filed by 1/16, 2006.

3. By 1/16, 2006, the parties shall file a joint set of proposed

jury instructions pursuant to the following procedure:

The parties shall meet in an attempt to agree on a joint set of proposed jury instructions. After said meeting, the parties shall file a unified (meaning one) combined set of proposed instructions which includes both agreed upon instructions and proposed instructions to which the parties have not agreed. Each agreed upon instruction shall include the following notation at the bottom: "This proposed instruction is agreed upon by the parties." Each instruction to which the parties have not agreed shall indicate at the bottom the name of the party proffering the instruction and citation to appropriate authority. Proposed instructions by different parties shall be grouped together. The court will not

accept separate proposed jury instructions from the parties.

4. Counsel shall mark and exchange all exhibits prior to trial. Plaintiffs shall use numbers and Defendants shall use letters. The parties shall compare exhibits and eliminate duplicates. If more than one party wants to offer the same exhibit it shall be marked with a number and listed as a joint exhibit on the parties' exhibit list. On the first day of trial, each party shall supply the Court with a copy of all exhibits to be used at trial. The parties shall supply the courtroom deputy/law clerk with a second set of exhibits to be used as part of the official records of the Court.

5. The parties are advised of their right to consent to trial before a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c). Of course, the parties are "free to withhold consent without adverse substantive consequences." 28 U.S.C. § 636(c)(2). A copy of the consent form is enclosed. A consent would allow the parties to obtain a firm trial date.

6. The Court hereby imposes a settlement deadline of 1/16, 2006

If the case is settled after that date, the Court may enter an order to show cause why certain costs should not be imposed on the party or parties causing the delay in settlement.

See L.R. 54.1.

7. Plaintiff's pre-trial statement is due on 12/1, 2005.

8. Defendant's pre-trial statement is due on 1/3, 2006

9. Trial is scheduled for the following days 2/6-10, 2006

*Motions/Summ
Judgment due 8/31/05
Responses to said
motions due 9/30/05.*

BY THE COURT:

Donetta W. Ambrose
Donetta W. Ambrose,
Chief U. S. District Judge